

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

JOSEPH REIVER,

Plaintiff,

-against-

THE CITY OF NEW YORK,

Defendant.

USDC SDNY
DOCUMENT
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DATE FILED: 4/8/2025

1:25-cv-1376-MKV


ORDER

MARY KAY VYSKOCIL, United States District Judge:

The Court is in receipt of the parties' letters concerning the City's contemplated motion to dismiss this case [ECF Nos. 31, 32]. However, Plaintiff has filed an interlocutory appeal of the Court's Opinion and Order Denying Plaintiff's Application for Emergency Relief [ECF Nos. 29, 30]. "An appeal, including an interlocutory appeal, 'divests the district court of its control over those aspects of the case involved in the appeal.'" *Coinbase, Inc. v. Bielski*, 599 U.S. 736, 740 (2023) (quoting *Griggs v. Provident Consumer Discount Co.*, 459 U.S. 56, 58 (1982)). As such, by April 15, 2025, the parties shall file a joint letter stating their positions on whether the Court has jurisdiction to entertain a motion to dismiss this entire case while Plaintiff's interlocutory appeal of the Court's earlier Opinion and Order remains pending.

SO ORDERED.

**Date: April 8, 2025
New York, NY**


MARY KAY VYSKOCIL
United States District Judge